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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/197,056	11/20/1998	STEPHEN JAMES RUSSELL	3789/77553	9864

7590 03/28/2002

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BOSTON, MA 02109

EXAMINER

WILSON, MICHAEL C

ART UNIT	PAPER NUMBER
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1632

DATE MAILED: 03/28/2002

23

Please find below and/or attached an Office communication concerning this application or proceeding.

# Advisory Action

Application No.  
09/197,056

Applicant(s)  
Russell et al.

Examiner  
Michael C. Wilson

Art Unit  
1632



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Mar 12, 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on Mar 12, 2002. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search. (See NOTE below);
- (b) ☐ they raise the issue of new matter. (See NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: the limitations proposed would require a new search and indefiniteness rejections not previously required.

4. ☐ Applicant's reply has overcome the following rejection(s):

5. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claim(s).

6. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
applicants arguments are directed toward the proposed claims which have not been entered. The pending claims remain rejected for reasons of record.

7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

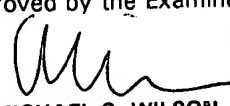
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-3, 5, 6, 8, 9, 13, 14, 16, and 18-20

9. ☐ The proposed drawing correction filed on \_\_\_\_\_ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
11. ☒ Other: The certified copies of the UK applications 9718872.6 and 9723448.8 have been received and entered into the file.

  
MICHAEL C. WILSON  
PATENT EXAMINER  
ART UNIT 1632

#19  
100  
3/18/02  
**VIA HAND DELIVERY**

Atty. Docket No.: 4219/1360

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Russell, et al.  
Serial No.: 09/197,056  
Filed: November 20, 1998  
Entitled: Improvements in or Relating to  
Expression of Immunogenic  
Substances

Examiner: M. Wilson  
Group Art Unit: 1633  
Conf. No.: N/A

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**CERTIFICATE OF HAND DELIVERY**

I hereby certify that this paper is being delivered via hand-delivery to the Commissioner for Patents, to attention of Examiner M. Wilson, Art Unit 1633, on the date shown below.

BARBARA J. HENDLEY

Name of Person Mailing Paper

Barbara J. Hendley

Signature of Person Mailing Paper

**TRANSMITTAL LETTER**

Enclosed for filing in the above-identified patent application, are documents that were omitted from our response to office action submitted on March 12, 2002; kindly hand deliver the following documents to Examiner M. Wilson:

1. Certified copies of United Kingdom applications 9718872.6, filed September 6, 1997, and 9723448.8, filed November 7, 1997, to which the instant application claims priority, are filed herewith; and
2. Return Postcard.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any overpayment in the total fees to Deposit Account No. 16-0085, Reference 4219/1360. A duplicate of this transmittal letter is enclosed for this purpose.

Respectfully submitted,

Joyce C. Heath Reg. No. 42890  
(Joyce C. Heath) for:

Date: March 13, 2002

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